

REORGANIZING THE CITY PLANNING COMMISSION;
PROVIDING FOR ITS MEMBERSHIP, REDEFINING
ITS FUNCTIONS, ETC.

Ordinance No. 109155

78:0:08

AN ORDINANCE reorganizing the City Planning Commission; providing for its membership; redefining its functions; authorizing its staff; amending Sections 11.1, 16.3, 16.5, 17.22, 24.44, 24.46, 24.72, 24.83, 27.2, 27.41, 27.6, 27.7 and 28.2 of Ordinance 86300 (the Zoning Ordinance); Sections 2 and 7 of Ordinance 98852, and Sections 13.08, 18, 19, and 22 of Ordinance 105636 (the Subdivision Ordinance); transferring support positions to the Office of the Planning Commission; and repealing Sections 27.4 and 24.5 of Ordinance 86300; 3.04, 20 and 21 of Ordinance 105636; and Ordinances 99443 and 106302.

6.17.80 - UDNH PASS AS AMENDED

~~ENGROSSED~~

Council Bill No. 101436

INTRODUCED: JUN 16 1980	BY EXECUTIVE REQUEST
REFERRED: JUN 16 1980	TERRAN DEVELOPMENT • HOUSING
REPORTED: JUN 23 1980	SECOND READING: JUN 23 1980
THIRD READING: JUN 23 1980	SIGNED: JUN 23 1980
PRESENTED TO MAYOR: JUN 24 1980	APPROVED: JUL 2 1980
RETD. TO CITY CLERK: JUL 2 1980	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:
ENGROSSED:	BY:
VO: PAGE:	

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SEE BACK COVER

- ORD. 109175 -Provides staff, equipment & supplies, & a budget for the newly established Office of the Planning Commission, etc...
- Res. 26527 -Adopts an annual schedule which assigns certain policy planning issues for City Planning Commission review & advice.
- Ord. 110058 -Repeals Sec's 22 & 23 of Ord. 109155, et al.

- Payroll
- Personnel
- D.C.D.
- PUB. (BO)
- BLDG.
- ENG.
- P.O.
- S.E.
- C.O.
- LIGHT

OPEN

ORDINANCE 109155

1 AN ORDINANCE reorganizing the City Planning Commission; providing for its
2 membership; redefining its functions; authorizing its staff; amending Sections
3 11.1, 16.3, 16.5, 17.22, 24.44, 24.46, 24.72, 24.83, 27.2, 27.41, 27.6, 27.7 and
4 28.2 of Ordinance 86300 (the Zoning Ordinance); Sections 2 and 7 of
5 Ordinance 98852, and Sections 13.08, 18, 19, and 22 of Ordinance 105636 (the
6 Subdivision Ordinance); transferring support positions to the Office of the
7 Planning Commission; and repealing Sections 27.4 and 24.45 of Ordinance
8 86300; 3.04, 20 and 21 of Ordinance 105636; and Ordinances 99443 and 106302.

9 WHEREAS, Article XIV, Section 1 of the Charter of the City of Seattle provides
10 for a City Planning Commission; and

11 WHEREAS, Article XIV, Section 3 of the Charter of the City of Seattle provides
12 that:

13 "It shall be the duty of such Commission to make recommendation to the
14 Legislative and other City departments on the City's broad planning
15 goals and policies, and on such plans for the development of the City as
16 its present and future needs may require. The Commission shall also
17 advise and make recommendations to the Legislative and other City
18 departments in connection with matters relating to the City's physical
19 development and redevelopment as may be directed by ordinance." Now,
20 Therefore,

21 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

22 Section 1. Purpose. There shall be a City Planning Commission (referred to
23 herein as the "Commission") to provide advice and make recommendation on broad
24 planning goals and policies and on whichever plans for the development of the City
25 on which the City Council and Mayor may request the Commission's advice by
26 ordinance or joint resolution. The Commission shall provide opportunities for
27 public participation in City planning by:

- 28 (a) Providing through its own broadly based membership an informed opinion to
complement the work of the City's elected officials and administrative
departments;
- (b) When pertinent, soliciting public comment on planning issues of City-wide
importance or of a substantial community concern, and evaluating comments
received; and
- (c) Securing the assistance of experts and others with knowledge or ideas to
contribute to City planning.

Its functions shall be advisory only.

Section 2. Membership. The Commission shall consist of fifteen members.
The membership as a whole shall reflect a broad range of opinion, experience, and
expertise with the objective of providing sound advice representative of the

1 citizenry. To achieve that purpose, it shall include residents from different neigh-
2 borhoods within the City, at least one engineer or architect and an urban planner,
3 and among others, members of ethnic minorities and citizens active in neighbor-
4 hood or community affairs.

5 Section 3. Appointment Term. The Mayor shall appoint members of the
6 Commission subject to confirmation by the City Council. The term of office shall
7 be for three years, and the terms of one-third of the members shall expire each
8 year. A Commission member whose term has expired shall continue to hold office
9 until a successor has qualified. No member shall serve more than two consecutive
10 terms. Any vacancy shall be filled for an unexpired term in the same manner as for
11 an original appointment. All Commission members shall be qualified electors of
12 the City. Present members of the Planning Commission are hereby appointed
13 members of the Planning Commission, to serve for the remainder of the terms for
14 which they were appointed.

15 Section 4. Ancillary Powers. The Commission shall have the power to:

- 16 (a) Select one member as the presiding officer of the Commission for a term of
17 one year. No person shall serve as presiding officer for more than two years;
- 18 (b) Organize itself, establish committees or subcommittees, and delegate duties
19 for the performance of its work;
- 20 (c) Adopt rules of procedure in accordance with the Administrative Code (Ordinance
21 102228) and Section 26.3 of the Zoning Ordinance (Ordinance 86300) to
22 accomplish its functions;
- 23 (d) Obtain administrative support and staff to assist the Commission in the
24 performance of its functions, maintenance of its records, conduct of official
25 correspondence, arrangement for meetings, preparation of estimates of
26 expenditures, and administration of any budget of the Commission; and
- 27 (e) Authorize payment of expenses incurred in the course of its activities, including
28 reimbursement of expenditures by its members.

Meetings of the Commission, the minutes of its proceedings, and its findings and
recommendations shall be open to the public.

1 Section 5. Temporary Participants. The Mayor, Council, or Commission
2 may assign one or more persons to sit with and participate in the proceedings
3 of any committee of the Commission while considering a specific matter as deemed
4 appropriate to provide expertise or a viewpoint. No such person shall be consi-
5 dered to be a member of the Commission or have any authority to vote, and the
6 person's participation shall cease upon completion of the assignment.

7 A temporary participant shall not engage in conduct prohibited by the City's
8 Code of Ethics (Ordinance 108882) in Section 7, but need not file the written state-
9 ment contemplated by Section 8.

10 Section 6. Focus of Activities. It is the intention of the City's legislative
11 authority that the Commission direct its activities toward providing recommenda-
12 tions on those broad planning goals and policies and plans for the physical devel-
13 opment of the City as identified by the Mayor and City Council as matters for
14 its attention, by ordinance or joint resolution. Whenever the Commission has
15 failed to submit a recommendation within sixty days of a request for such recom-
16 mendation, the Commission will return the matter as proposed unless a longer
17 period is provided for by resolution or ordinance.

18 Section 7. Duties. In conjunction with the development of a schedule for
19 City consideration of planning and policy issues, the Mayor and Council will by
20 resolution adopt an annual schedule which will assign certain policy and planning
21 issues for Commission consideration. In addition, the Commission shall:

- 22 (a) When requested by resolution, solicit information and comment from the
23 public about planning goals and policies or plans for the City, and report
24 to the Mayor, Council or administrative agency its recommendations and
25 a summary and analysis of the comments received from the public; and
26 (b) Assist citizens to obtain information and documents regarding planning goals
27 and policies and plans for development of the City.

28 Section 8. Unexcused Absences. A Commission member may be removed
from office for cause if absent from three consecutive Commission meetings
or six regularly scheduled meetings in a year.

 Section 9. Section 11.1 of the Comprehensive Zoning Ordinance (Ordinance
86300) is amended as follows:

1 Section 11.1 PRINCIPAL USES PERMITTED OUTRIGHT.

2 11.11 The following uses:

3 (a) RD 7200 Principal Uses permitted outright as specified and regu-
4 lated in Article 10, unless modified in this Article.

5 (b) Three-family dwellings (triplexes) subject to the following
6 conditions:

7 The minimum lot area shall be six thousand five hundred
8 (6,500) square feet, and Section 22.31 shall not apply.

9 (c) Townhouse structures, subject to the following conditions:

10 (1) A townhouse structure shall contain at least two (2) and not
11 more than ten (10) townhouse dwellings.

12 (2) The minimum lot area shall be at least sixteen hundred
13 (1,600) square feet per townhouse dwelling and Section 22.31
14 shall not apply.

15 (3) Each townhouse dwelling shall have a rear and front yard
16 totalling forty-five (45) feet, provided that the average of
17 such front and rear yards for one townhouse structure shall
18 be no less than twenty (20) feet and twenty-five (25) feet
19 respectively and the minimum front or rear yard of any
20 townhouse dwelling shall not be less than ten (10) feet. If
21 townhouse dwellings make up an entire block front, the front
22 yard may be reduced to five (5) feet, provided, however,
23 that the townhouse dwelling abutting a less intensive zone or
24 development shall provide front and rear yards as otherwise
25 required in the zone.

26 (4) The minimum side yard for an end townhouse dwelling of a
27 townhouse structure shall be five (5) feet, except as
28 modified in Section 22.4.

(5) Townhouse dwellings shall not occupy more than fifty-five
(55) percent of the lot and Section 22.5 shall not apply.

(6) No townhouse dwelling shall exceed a height of thirty-five
(35) feet and Section 22.2 shall not apply.

- 1 (7) At least ten (10) feet of open space shall be provided be-
2 tween townhouse structures except when the overlap is ten
3 (10) feet or less and then the open space may be reduced to
4 five (5) feet.
- 5 (8) A minimum of fifteen (15) percent of the lot must be private
6 usable open space.
- 7 (9) In townhouse dwelling developments consisting of five (5) or
8 more townhouse dwellings, the required lot area may be
9 reduced up to fifteen (15) percent by providing an equivalent
10 amount of continuous open space not including the required
11 parking area.
- 12 (10) Required parking with connecting permanent pedestrian
13 access shall be located within two hundred (200) feet of the
14 townhouse dwelling that it serves.
- 15 (11) Each proposal for townhouse dwellings shall be reviewed in
16 its preliminary form and approved in writing as to design
17 prior to issuance of a building or use permit by the Director.
18 ~~((of Planning after receiving advice and recommendations-)~~
19 ~~from the Commission))~~ Any applicant feeling aggrieved by
20 a decision of the Director ~~((of Planning))~~ may appeal such
21 decision within fourteen (14) days to the Council, citing the
22 reasons therefor. The Council shall consider such appeal
23 with or without a public hearing, and render a decision
24 within sixty (60) days of the filing of such appeal. The
25 proposal will be judged as to design on the following criteria:
- 26 (a) Efficient and harmonious grouping of structures and
27 space encouraging individuality of separate townhouse
28 dwellings within a unifying design concept.
- (b) Efficient parking for occupants and guests with ade-
quate space for maneuvering.
- (c) Provision for short-term parking of service and
delivery vehicles.

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- (d) Provision for common open space.
 - (e) Space for children's play space with allowance for visual supervision.
 - (f) Access points from all townhouse dwellings to common space separated from moving vehicles.
 - (g) Separation of pedestrians, common open spaces, and children's play spaces from moving vehicles.
 - (h) Clear definition between the private domain of the townhouse dwelling.
 - (i) Screening of private spaces, as appropriate; and the Director of Planning may authorize fences exceeding the height limits established in Section 22.42(c) where necessary to achieve privacy.
 - (j) Adequate light and air.
 - (k) Provision for emergency access of escape, fire, ambulance and service.
 - (l) Enclosed garbage storage and collection area.
 - (m) Provision of space for control and maintenance of public utilities.
 - (n) Preservation of natural vegetation and topography to the greatest extent possible.
 - (o) Undergrounding of utilities.
 - (p) Due consideration for the impact of the townhouse dwelling proposal on the vicinity or zone in which the property is located.

Section 10. Section 16.3 of the Comprehensive Zoning Ordinance (Ordinance No. 86300, as amended) is further amended as follows:

Section 16.3 PRINCIPAL CONDITIONAL USES

16.31 The following principal conditional uses when authorized by the Council in accordance with Article 28:

Micro-wave or line-of-sight transmission station.

1 16.32 The following uses permitted when authorized by the Hearing
2 Examiner or Board in accordance with Article 26:

- 3 (a) Outdoor ice-skating rink.
- 4 (b) Apartment hotel, apartment house, or home for the retired
5 on other than street level floor space, following review and
6 report by ~~((both the Commission and))~~ the Engineering
7 Department concerning impact on adjacent streets and the
8 Central Business District Comprehensive Plan.
- 9 (c) Helistop, subject to the provisions of Sections 15.32(e) and
10 19.24.
- 11 (d) Automobile service station under the conditions provided in
12 Section 14.32(b).
- 13 (e) Fast food restaurant, subject to the following conditions:
- 14 (1) A view-obscuring fence or wall not less than five nor
15 more than six feet in height shall be established and
16 maintained between a fast food restaurant and any
17 abutting R-zoned lot and any R-zoned lot facing across
18 an alley except for alley access openings.
- 19 (2) Access to an abutting alley shall be limited to a maxi-
20 mum of two driveways, each not to exceed twentyfour
21 feet in width.
- 22 (3) At a minimum, exterior litter containers shall be
23 provided at a ratio of one for every five off-street
24 parking stalls.
- 25 (4) Such uses shall be compatible with the character of
26 existing structures in areas where a distinct and
27 definite pattern or style has been established.

28 Section 11. Section 16.5 of the Comprehensive Zoning Ordinance (Ordinance
No. 86300, as amended) is further amended as follows:

Section 16.5 ACCESSORY CONDITIONAL USES.

16.51 Accessory uses customarily incidental to the principal conditional
uses specified in Section 16.3 are permitted when authorized by
the Council in accordance with Article 28.

1 16.52 The following uses permitted when authorized by the Board in
2 accordance with Article 26:

- 3 (a) Accessory uses customarily incidental to the principal
4 conditional uses specified in Section 16.32 except as modi-
5 fied in this Article.
- 6 (b) Any principal use permitted in Sections 19.22 and 19.23 but
7 only when necessary as an accessory use to a principal use
8 permitted in this Article, and only when located in other
9 than street level floor space; or permitted when occupying
10 street level floor space providing that such use shall be
11 separated from the street by a space occupied or intended to
12 be occupied by uses permitted in Section 16.1, and also
13 separated by a view-obscuring wall located across the rear
14 of such permitted uses as specified in Section 16.21.
- 15 (c) Accessory off-street parking spaces within a principal
16 building when such use is over ten (10) percent of the build-
17 ing gross floor area, and when located in other than street
18 level floor space and following review and report and recom-
19 mendation by ~~((both))~~ the ~~((Commission and))~~ Engineering
20 Department concerning impact on adjacent streets and
21 Central Business District Comprehensive Plan.

22 Section 12. Section 17.22 of the Comprehensive Zoning Ordinance (Ordinance
23 No. 86300, as amended) is further amended as follows:

24 Section 17.22 RESIDENTIAL USES PERMITTED OUTRIGHT.

25 Apartment houses, subject to the following conditions:

- 26 (1) At least four (4) months prior to the issuance of a building permit, the
27 applicant shall attend a conference with representatives of the
28 ~~((Building))~~ Department of Construction and Land Use and Community
Development Department ~~((s))~~ to consider Building Code and Zoning
Ordinance requirements and the impact of the proposed apartment
house upon the zone and vicinity, particularly:

- 1 (a) The extent to which it furthers the goals and objectives of the
2 Comprehensive Plan of Seattle for the Central Business District
3 (CBD).
4 (b) Its relationship to various existing and future means of transpor-
5 tation feeding to and from the CBD.
6 (c) Whether pedestrian movement to and from the proposed building
7 and along adjacent streets can be improved.
8 (d) Whether adequate provision has been made for public amenities
9 such as ground level open space, and for private amenities to
10 residents.
11 (e) Whether adequate provision has been made for services to the
12 public and to residents.
13 (f) How the proposed apartment house will relate to other prospec-
14 tive or imminent public and private improvements in the zone and
15 vicinity.
16 (g) Whether adequate provision has been made for light and air and
17 whether the protection and enhancement of views have been
18 considered.
19 (h) Arcades or setbacks from the street property line, which may be
20 required along certain amenity streets when designated in the
21 Comprehensive Plan or by Council resolution.
22 (2) Final plans shall be submitted to the Community Development Director
23 by the ~~((Superintendent))~~ Director for final design review and advisory
24 report to the applicant at least ten (10) days before a building permit is
25 issued.
26 ~~((3)) An advisory report on the proposed building shall be made to the Com-~~
27 ~~mission by the Director after but no more than ten (10) days following~~
28 ~~issuance of the building permit.))~~

Section 13. Section 24.4 of Ordinance 86300, as amended (the Zoning Ordinance), is further amended as follows:

1 Section 24.44. PLANNED UNIT DEVELOPMENT - REVIEW AND AUTHOR-
2 IZATION. The Director shall review the application for conformance with the
3 provisions and intent of this ordinance and shall prepare a written report which
4 shall include, but not be limited to:

5 (1) A descriptive summary of the project which details the manner in which
6 the uses and bulk proposed differ from that otherwise permitted in the zone; and

7 (2) An analysis of the proposed development with relation to City goals and
8 policies and the Comprehensive Plan of Seattle; and

9 (3) An analysis of the impact of the proposed development on environ-
10 mental and community quality, which shall include but not be limited to the impact
11 of the proposed development on surrounding residential, commercial, and social
12 life, and on existing or proposed public facilities and improvements such as util-
13 ities, parks, schools and transportation.

14 (4) The applicability of other laws to the subject application.

15 The Director's Report shall include comments and recommendations from
16 departments and agencies of government having an interest in or affected by the
17 application, and shall recommend approval or denial of, or modifications to, the
18 applications as well as any conditions to be attached to any authorization of the
19 proposed development, and any alternative forms of development or treatment that
20 in the opinion of the Director are necessary or appropriate within the provisions
21 and intent of this title. The Director's Report shall be completed within sixty (60)
22 days of the date of filing the application, unless consideration by other agencies of
23 government is required by law, in which case the report shall be completed within
24 thirty (30) days following final action by such agencies. The application and report
25 ~~((shall be transmitted to the Commission and))~~ shall be made available for public
26 inspection ~~((ten (10))~~ thirty (30) days prior to the ~~((first))~~ City Council's public
27 hearing on the application.

28 Section 14. Section 24.46 of Ordinance 86300, as amended (the Zoning Ordinance), is further amended as follows

Section 24.46 COUNCIL HEARING AND ACTION. ~~((After receipt by the Council of the findings, conclusion and recommendation of the Commission~~

1 on applications for planned unit developments,)) ((t)) The Planning and Urban
2 Development Committee or other committee of the Council shall hold a public
3 hearing on an application for a planned unit development and cause notice of such
4 hearing to be given in accordance with the provisions of Section 27.3 pertaining to
5 notice of hearings on proposed amendments of the Official Zoning Map. The
6 Council shall take final action to approve, conditionally approve, or disapprove the
7 application within sixty (60) days after receipt of the Director's ~~((Commission's))~~
8 recommendations. Approval or conditional approval of an application for a planned
9 unit development shall be by ordinance which ordinance shall also amend the Offi-
cial Zoning Map to indicate:

- 10 (1) the boundaries of such approved planned unit development,
- 11 (2) the ordinance approving the preliminary plans for such planned unit
12 developments, and
- 13 (3) the number of the Comptroller's File containing the approved prelim-
inary plans.

14 When the Council's action is contrary to the Director's ~~((Commission's))~~ recommen-
15 dations, it shall enter findings and conclusions from the record which support its
16 action.

17 Section 15. Section 24.7 of the Comprehensive Zoning Ordinance (Ordinance
18 No. 86300), as added by Ordinance 94035, is amended as follows:

19 Section 24.7 SPECIAL PROVISIONS FOR CERTAIN LOTS REDUCED BELOW
20 MINIMUM LOT AREA REQUIREMENT

- 21 (a) The Council may authorize reduction in lot area below the minimum
22 required by this Ordinance when such reduction is the result of the
23 dedication or sale of a portion of the lot to the City or to the State for
24 street or highway purposes, so that said lot to the City or to the State
25 for street or highway purposes, so that said lot may be utilized as a lot
26 meeting minimum lot area requirements, following report and recom-
27 mendation by the ~~((Commission))~~ Director. Before making its recom-
28 mendation to the Council, the ~~((Commission))~~ Director shall consider
the matter at public hearing. Notice of this hearing shall be given by

1 mail not less than ten (10) days prior to the date of such hearing to the
2 owners of all property within three hundred (300) feet thereof, using for
3 this purpose the names of property owners as shown upon the records of
4 the County Treasurer. Failure to send notices by mail to any property
5 owner, where the address of such owner is not included in the County
6 records, shall not invalidate any proceedings in connection therewith.
7 In considering requests for such authorization, the ~~((Commission))~~
8 Director and Council shall consider the nature and condition of adjacent
9 uses and structures and no authorization shall be made unless it is found
10 that:

- 11 (1) The authorization will not be materially detrimental to the public
12 welfare or injurious to property in the zone or vicinity in which
13 the property is located.
14 (2) The lot area remaining after reduction is sufficient to provide a
15 reasonable building site, consistent with the purpose of this Ordinance.

16 Such authorization, if made, shall be permanent and will run with the
17 land to which it applies.

18 Section 16. Section 24.83 of Ordinance 86300, as amended, is further
19 amended as follows:

20 Section 24.83 DEVELOPMENT REGULATIONS.

21 (a) The Council may include development regulations in the ordinance
22 which establishes a special review district. If development regulations are not
23 included, the special review board may consider and, after at least one public
24 hearing, recommend development regulations for the special review district to the
25 ~~((Commission))~~ Community Development Director, which shall make further
26 recommendations to the Council. If the special review board fails to recommend
27 development regulations within ninety (90) days after having been appointed and
28 organized, the Community Development Director shall prepare proposed develop-
ment regulations and recommend such controls to the ~~((Commission))~~ Council,
except where the ordinance establishing the special review district includes such

1 development regulations. The Council shall consider proposed development regu-
2 lations in the same manner as provided in Section 27.41 for Zoning Ordinance text
3 amendments. Development regulations shall be adopted by ordinance, and may
4 thereafter be amended in the same manner as provided in Article 27 for Zoning
5 Ordinance text amendments.

6 (b) The development regulations shall identify the unique values of the
7 district, shall include a statement of purpose and intent, and shall be consistent
8 with the purposes of the special review district. The regulations may identify uses,
9 structures and design characteristics which either have a positive or negative
10 effect upon said values and may specifically modify bulk and use regulations and
11 other provisions of the Zoning Ordinance in order to allow and encourage or to limit
12 or exclude such structures, designs, and uses. Unless specifically modified by the
13 development regulations, all provisions of the Zoning Ordinance shall apply in the
14 special review district. If uses, structures or designs are limited, the development
15 regulations must specify the standards by which said uses, structures or designs will
16 be evaluated. If provisions of the Zoning Ordinance are modified, the development
17 regulations shall specify the conditions upon which such modifications are allowed.

18 (c) Development regulations shall be consistent with the purposes stated in
19 establishing the special review district. Development regulations shall not be
20 construed to limit the use of any materials, forms or designs otherwise permitted
21 by law unless such limitations are expressly stated.

22 Section 17. Section 27.2 of Ordinance 86300, as amended (the Zoning Ordinance), is further amended as follows:

23 Section 2.2 REPORT OF THE DIRECTOR. The Council shall refer each
24 petition for an amendment to the official text of the Zoning Ordinance to the
25 Community Development Director for recommendation and shall refer each peti-
26 tion for an amendment to the ((er)) official Zoning Map to the Director for a
27 recommendation. The appropriate Director shall prepare a written report which
28 shall include the recommendations or comments of departments of the City and of
other governmental agencies having an interest in the application. The form of the
report shall be prescribed by the Rules. The report shall be made available ~~to the~~

1 Commission and)) to the public on request not less than ~~((seven (7))~~ fourteen (14)
2 days prior to the scheduled hearing.

3 Section 18. Section 27.41 of Ordinance 86300, as amended (the Zoning Ordinance), is further amended as follows:

4 Section 27.41 COUNCIL CONSIDERATION OF ~~((COMMISSION))~~ RECOMMENDATIONS. After receipt by the Council of the findings, conclusions and
5 recommendations of the ~~((Commission))~~ Community Development Director on
6 proposed amendments to the text of the Zoning Ordinance, the Planning and Urban
7 Development Committee or other committee of the Council shall hold a public
8 hearing to consider such findings, conclusions and recommendations. Notice of
9 such Council hearing shall be given ~~((either at the Commission's hearing, or))~~ by the
10 Community Development Director in the manner prescribed in Section 27.3 of this
11 ordinance. ~~((except that notice need be given only fourteen days or more prior to the hearing and shall be mailed also to persons who testify or submit information at the Commission hearing.))~~

12 Section 19. Section 27.6 of Ordinance 86300, as amended (the Zoning Ordinance), is further amended as follows:

13 Section 27.6 FINAL ACTION BY COUNCIL. The Council shall take final
14 action on a text or map amendment by ordinance when required, and shall include
15 findings of fact from the record and conclusions therefrom whenever its action is
16 contrary to the recommendations of the Hearing Examiner. ~~((or Commission))~~ Said
17 findings and conclusions shall set forth and demonstrate the manner in which the
18 action carries out or tends to implement the goals and objectives of the Comprehensive Plan of Seattle, the Zoning Ordinance, and other official policies and
19 objectives of the City.

20 Section 20. Section 27.7 of Ordinance 86300, as amended (the Zoning Ordinance), is further amended as follows:

21 Section 27.7 PETITIONING LIMITED. No petition for a text amendment or
22 amendment to the Official Zoning Map shall be again considered by the ~~((Commission))~~ Hearing Examiner or Council where substantially the same amendment
23 has been denied after public hearing and an opportunity to petition the Council for
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1 further consideration within the twelve-month period immediately preceding the
2 filing of such petition.

3 Section 21. Section 28.2 of Ordinance 86300, as amended (the Zoning Ordinance), is further amended as follows:
4

5 Section 28.2 SPECIAL EXCEPTIONS. In specific cases and subject to the
6 considerations stipulated in Section 28.1, the Hearing Examiner, or the Board upon
7 appeal, may authorize the following special exceptions:

(a) Exceptions to height limits:

8 (1) Industrial Structures: An industrial structure which by reason of its
9 intended use, requires exceptional height; provided, however, that all
10 such structures or portions of structures above the otherwise applicable
11 height limit shall not occupy more than twenty-five percent (25%) of
12 the lot area and shall be distant forty (40) feet or more from every lot
13 line not a street lot line, and, when within airport areas, shall not be
14 inconsistent with the intent and purpose of Section 22.21.

15 (2) Vertical Extension of Existing Building: Vertical extension of a building
16 to the height shown by the original plans, provided such building was
17 actually designed and constructed to carry the additional stories, and
18 provided further that said building existed upon the effective date of
19 this Ordinance.

20 (3) Base Structures: Base structures in the RMV 200 Zone in excess of four
21 (4) feet but not to exceed twenty (20) feet above lot grade where
22 topography and/or the nature of surrounding improvements justify a
23 greater height. ~~((subject to review and report by the Commission.))~~

24 (b) Temporary uses:

25 (1) A temporary use of premises in any zone not involving the erection of
26 any permanent structure may be authorized by the Hearing Examiner or
27 Board by a revokable permit for a period of not more than six (6)
28 months, except that temporary uses to be of less than three (3) weeks
duration may be authorized by the ~~((Superintendent))~~ Director.

1 (2) A temporary use of premises in any zone not involving the erection of
2 any permanent structure for the express purpose of sheltering the
3 construction of boatbuilding projects by non-commercial home hobbyists
4 may be authorized by the Hearing Examiner or Board by a revokable
5 permit for a period of not more than one (1) year except that annual
6 reviews by the ~~((Superintendent))~~ Director can extend the permit an-
7 nually for a period not to exceed four (4) years. Such structures, though
8 temporary, shall be sturdy enough to withstand inclement weather
9 conditions and shall not detract from the general appearance of the
10 neighborhood. Conditions for allowing such a permit, and the annual
11 review of same, will be set at the discretion of the Hearing Examiner.

12 (c) Stone quarry, sand, gravel or clay pits: The use of premises in any zone for
13 the excavation of stone, sand, gravel, clay or other natural deposits may be
14 authorized by the Hearing Examiner for a period of one (1) year subject to the
15 following provisions: Plans for such excavations shall consist of two (2)
16 copies of a topographic map, with such cross-sections as are necessary to
17 show adequately the topography of the property in question and its relation to
18 streets, alleys, and surrounding property, together with two (2) copies of a
19 similar map showing the extent of the proposed excavation and the contours
20 of the ground after the removal of the material. A copy of each map shall be
21 submitted to the City Director of Engineering or the Director of Transportation,
22 who shall report his findings to the Hearing Examiner. Before authorizing
23 such use, the Hearing Examiner shall request a report from the ~~((Commission))~~
24 Director in order to determine whether the proposed excavation will interfere
25 with logical future development of the tract for building or other purposes,
26 and whether it will depreciate the value of nearby property. Authorization of
27 such shall be subject to the posting by the applicant with the City of a
28 performance bond of not less than five thousand (5000) dollars guaranteeing
conformance with finished grades indicated by the approved plan.

(d) Platted lots separated by alley: Platted lots within the same block and same
zone, but separated by a public alley, may be authorized by the Hearing

1 Examiner or Board as a single building site for purposes of calculating the
2 number of dwelling units permitted in a structure to be erected on one side of
3 the alley, subject to the following requirements:

- 4 (1) Each portion of the property shall abut a minimum one hundred (100)
5 feet upon the alley.
6 (2) The two portions of the property shall be directly opposite for a dis-
7 tance representing at least fifty (50) percent of the width of the portion
8 of the property not to be occupied by the proposed building.
9 (3) The portion of the property not occupied by the building shall not be
10 sold, segregated or used for building purposes so long as the building
11 remains on the portion of the property on the opposite side of the alley.

12 (e) Off-street parking requirements for designated "Landmarks" or "Landmark
13 Districts":

14 Upon receipt of a written report from the Director pertaining thereto, the
15 Hearing Examiner may reduce or waive the minimum accessory off-street
16 parking requirements of Article 23 with respect to a "Landmark" or "Land-
17 mark District" designated as such pursuant to the Landmarks Preservation
18 Ordinance (106348); provided, that in making any such reduction or waiver,
19 the Hearing Examiner shall be guided by parking needs and policies in the
20 surrounding area as set forth in such written report.

21 (f) Uses permitted within buildings designated as "Landmarks":

22 The Hearing Examiner may authorize a use not otherwise permitted in the
23 zone within a building designated as a "Landmark", pursuant to the Landmarks
24 Preservation Ordinance (106349), after the Director's written report and
25 recommendation on the proposal, and subject to the following requirements:

- 26 (1) Such use shall be compatible with the existing design and/or construc-
27 tion of the building without significant alteration; and
28 (2) Such use shall be allowed only when it is demonstrated that uses per-
mitted by the zone are impractical because of building design and/or
that no such permitted use can provide adequate financial support
necessary to sustain the "Landmark" in a reasonably good physical
condition; and

1 (3) Such use shall not be detrimental to other properties in the zone or vicinity or
2 to the public interest.

3 (g) Artist's studio/dwelling: In any "M" or "I" zone, notwithstanding the prohi-
4 bition of new dwelling units other than for a watchman or caretaker, a com-
5 bination working studio and living quarters for an artist may be authorized by
6 revokable permit for a period of not more than two years, renewable by the
7 ((Superintendent)) Director upon the showing to his satisfaction that the
8 occupant continues to be a bonafide working artist, and subject to the
9 following conditions:

10 (1) The nature of the artist's work shall be such that there is a genuine need
11 for the space involved.

12 (2) The nature of the artist's work shall be similar to the types of uses
13 permitted in the zone.

14 Section 22. Section 2 of Ordinance 98852, as amended, is further amended as
15 follows:

16 Section 2. Responsible Agency. ~~((The City Planning Commission (hereafter-~~
17 ~~called "Commission") is hereby designated as the official body to make recommen-~~
18 ~~dations to the Director of the Department of Community Development (hereafter-~~
19 ~~called "Director") on matters concerning preservation of the Historic District and~~
20 ~~of the buildings and structures within its bounds, except as to "minor work" as pro-~~
21 ~~vided in Section 6A.))~~ The Mayor shall, subject to Council confirmation, appoint an
22 Historic Preservation Board (hereafter called "Board"), which is hereby established,
23 consisting of a representative of the local historical society, an owner of property
24 in the Historic District, two architects, one person who operates a retail business
25 on leased premises within the Historic District, and two city residents at large,
26 which Board shall review and act upon all architectural and historic preservation
27 matters within the Historic District with the assistance of the Department of
28 Community Development and make recommendations ~~((to the Commission or))~~ to
the Director. ~~((as provided in Section 6A.))~~

Members of the Board shall serve without compensation for a term of three
years from June 1 of the year in which appointed. The five existing members of
the Board on the effective date of this amendatory ordinance shall be reappointed

1 and reconfirmed as follows: three existing members for terms of one year from
2 June 1, 1974; one existing member for a term of one year from June 1, 1974; and
3 one existing member for a term of three years from June 1, 1974. The five existing
4 members of the Board shall by majority vote determine which members shall serve
5 which terms, and report such determination to the Mayor and City Council prior to
6 their reappointment and confirmation.

7 Section 23. Section 27 of Ordinance 98852, as amended, is further amended
8 as follows:

9 Section 7. MEETINGS, PROCEDURES, RECORDS. The Board (~~or Commission~~)
10 shall meet for purposes of historic preservation at such times as it may
11 determine, or upon call of the Chairman. In addition, the Board (~~or Commission~~)
12 may establish such standards and procedures as it may deem necessary to further
13 the purposes of this ordinance. All plans, elevations, specifications, and sketches
14 or other information necessary for the review by the Board (~~or Commission~~) of
15 architectural details, colors, building materials, signs, or other features subject to
16 public view shall be made available to the Board (~~or Commission~~) by the applicant
17 or appropriate departments of The City of Seattle, along with a copy of the
18 application for building, modification, or demolition permit.

19 The Board (~~or Commission~~) shall also consider and make recommendations
20 on all modifications or additions to public areas, including street furniture, lighting
21 fixtures and paving materials.

22 Section 24. Section 13.08 of the Subdivision Ordinance (Ordinance No.
23 105636) is amended as follows:

24 Section 13.08 VARIANCES AND EXCEPTIONS. Variations and exceptions
25 from the design standards and improvement requirements set forth in Sections
26 13.01 through 13.07 may be authorized by the Council, upon recommendation of the
27 Administrator (~~and Commission~~), in those instances where it is deemed that
28 hardship, topography, or other factual deterrent conditions prevail, and in such
manner as it considers necessary to maintain the intent and purpose of such
regulations and requirements. Approval by the Council of a preliminary plat on
which such variations and exceptions are clearly indicated shall constitute author-
ization of such variations and exceptions.

1 Section 25. Section 18 of the Subdivision Ordinance (Ordinance No. 105636) is
2 amended as follows:

3 Section 18. PROCEDURE -- ADEQUACY AND DISTRIBUTION OF PRELIM-
4 INARY PLATS AND PLANS. If the Administrator determines that the subdivider
5 has met all the application requirements for the preliminary plat and that the
6 preliminary plat contains sufficient elements and data to furnish a basis for its
7 approval or disapproval, he shall affix a file number and date of receipt to the
8 application and promptly forward three (3) copies of the plat and the subdivider's
9 preliminary plans for street and other improvements to the ~~((City))~~ Director of
10 Engineering. The Administrator shall also forward a copy of the preliminary plat to
each of the following:

- 11 (1) Director of Public Health, as to the adequacy of the proposed means of
12 sewage disposal and water supply
- 13 (2) Superintendent of Lighting
- 14 (3) ~~((Superintendent of Buildings))~~ Director of Community Development
- 15 (4) Superintendent of Parks and Recreation
- 16 (5) The Board of Public Works, Street Naming Committee
- 17 (6) Superintendent of Water
- 18 (7) Chief, Fire Department
- 19 (8) Municipality of Metropolitan Seattle.

20 who shall review the preliminary plat and, within thirty (30) days ~~((and prior to the~~
21 ~~Commission hearing))~~, furnish the Administrator with a report as to the effect of
22 the proposed subdivision upon the public health, safety and general welfare, and
23 containing their recommendations for approval or disapproval of said preliminary
24 plat. The report of the ~~((City))~~ Director of Engineering shall also include a
recommendation as to the extent and type of improvements to be provided in
dedicated areas and a preliminary estimate of the cost of such improvements.

25 Section 26. Section 19 of the Subdivision Ordinance (Ordinance No. 105636) is
26 amended as follows:

27 Section 19. PROCEDURE -- ~~((PLANNING COMMISSION))~~ HEARING BY
28 ADMINISTRATOR, NOTICE. Upon receipt of an application, the Administrator
shall within forty-five (45) days ~~((set a date for))~~ hold a public hearing ~~((before the~~

1 ~~Commission~~)), provided, that if an environmental impact statement is required as
2 provided in RCW 43.21C.030, such hearing shall not be held until the final environ-
3 mental impact statement has been issued.

4 The Administrator shall give notice of time, place and purpose of public
5 hearing as follows:

- 6 1. At least one notice in the City official newspaper not less than ten (10)
7 days prior to the hearing.
- 8 2. By the posting of placards giving notice of the hearing at conspicuous
9 places on the boundaries of the proposed subdivision.
- 10 3. By notifying the applicant and each of the recipients of the preliminary
11 plat as provided in Section 18 of this ordinance.

12 All hearing notices shall include a legal description of the location of the
13 proposed subdivision and either a vicinity location sketch or a location description
14 in non-legal language.

15 Section 27. Section 22 of the Subdivision Ordinance (Ordinance No. 105636) is
16 amended as follows:

17 Section 22. COUNCIL ACTION. Upon receipt of the Administrator's (~~Plan-~~
18 ~~ning Commission's~~)) recommendations, the Council shall, at its next public meeting,
19 set the date for the public meeting at which it may adopt or reject the recommen-
20 dations (~~of the Commission~~). The Council shall inquire into the public use and
21 interest proposed to be served by the establishment of the subdivision and dedi-
22 cation. It shall consider all relevant facts to determine whether the public interest
23 will be served by the subdivision and dedication, and if it finds that the proposed
24 plat makes appropriate provision for the public health, safety and general welfare
25 and for open spaces, drainage ways, streets, alleys, other public ways, water
26 supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for
27 schools and schoolgrounds and that the public use and interest will be served by the
28 platting of such subdivision, then it shall be approved. If it finds that the proposed
plat does not make such appropriate provisions or that the public use and interest
will not be served, then the Council may disapprove the proposed plat. Dedication
of land to any public body may be required as a condition of subdivision approval

1 and shall be clearly shown on the final plat. The Council shall not as a condition to
2 the approval of any plat require a release from damages to be procured from other
3 property owners.

4 The Council shall consider the physical characteristics of a proposed sub-
5 division site and may disapprove a proposed plat because of flood, inundation, or
6 swamp conditions. Construction of protective improvements may be required as a
7 condition of approval, and such improvements shall be noted on the final plat. No
8 plat shall be approved by the Council covering any land situated in a flood control
9 zone as provided in Chapter 86.16 RCW without the prior written approval of the
State Department of Ecology.

10 If, after considering the matter at a public meeting, the Council determines
11 that a change is necessary in the Commission's recommendation, it shall conduct a
12 public hearing and thereupon adopt its own recommendations and approve or
13 disapprove the preliminary plat. Such public hearing may be held before a com-
14 mittee constituting a majority of the Council, which shall report its recom-
mendations on the matter to the Council for action by resolution.

15 The Council shall notify the applicant, the Commission, and all parties of
16 record of its action on the preliminary plat and shall forward approved copies,
17 together with any conditions imposed by the Council, to the ~~((City))~~ Director of
18 Engineering and to the Administrator. Preliminary plats shall be approved, dis-
19 approved or returned to the applicant for modification or correction within ninety
20 (90) days from date of filing thereof unless the applicant consents to an extension
21 of such time period; Provided, that if an environmental impact statement is re-
22 quired as provided in RCW 43.21C.030, the ninety (90) day period shall not include
23 the time spent preparing and circulating the environmental impact statement by
the Administrator.

24 Section 28. Repeals. Sections 27.4 and 24.45 of Ordinance 86300, as
25 amended (the Zoning Ordinance), with the section titles of "Commission Hearing on
26 Text Amendments" and "Planned Unit Development - Commission Hearing and
27 Recommendation," respectively, are each hereby repealed.

28 Ordinance 99443, entitled:

1 "AN ORDINANCE creating a Joint City-County Subcommittee on Shoreland
2 and Tidelands Planning, and providing for the appointment of members
3 thereof."; and

4 Ordinance 106302, entitled:

5 "AN ORDINANCE relating to the City Planning Commission; providing for a
6 membership of fifteen citizens, prescribing qualifications and terms of
7 office, defining the duties of said Commission in addition to those set
8 forth in the City Charter, and repealing Ordinance 104177.

9 are each hereby repealed.

10 Sections 3.04, 20 and 21 of Ordinance No. 105636, as amended (the Subdivi-
11 sion Ordinance), with the section titles of "Commission," "Hearing," and "Com-
12 mission -- Report to Council," respectively, are each hereby repealed.

13 This repeal shall not affect any existing right acquired under an ordinance or
14 section repealed prior to its effective date.

15 Any proceeding pending before the City Planning Commission as established
16 by Ordinance 106302 may be processed by the Commission, established herein as a
17 continuous proceeding without prejudice by this repeal of Ordinance 106302.

18 Section 29. Ratification. Transfer of positions and custody of records and
19 any other act pursuant to the authority and prior to the effective date of this
20 ordinance is hereby ratified and confirmed.

(To be used for all Ordinances except Emergency.)

Section 30. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 23 day of June, 1980
and signed by me in open session in authentication of its passage this 23 day of June, 1980
Carl Frankel
President of the City Council.

Approved by me this 2 day of July, 1980
Charles Roper
Mayor.

Filed by me this 2 day of July, 1980

Attest: Jim Hill
City Comptroller and City Clerk.

(SEAL)

Published _____

By G. C. Geisert
Deputy Clerk.

1 Section 5. Temporary Participants. The Mayor, Council, or Commission may
2 assign one or more persons to sit with and participate in the proceedings of any
3 committee of the Commission while considering a specific matter as deemed
4 appropriate to provide expertise or a viewpoint. No such person shall be considered
5 to be a member of the Commission or have any authority to vote, and the person's
6 participation shall cease upon completion of the assignment.

7 A temporary participant shall not engage in conduct prohibited by the City's
8 Code of Ethics (Ordinance 108882) in Section 7, but need not file the written state-
9 ment contemplated by Section 8.

10 Section 6. Focus of Activities. It is the intention of the City's legislative
11 authority that the Commission direct its activities toward providing recommen-
12 dations on those broad planning goals and policies and plans for the physical
13 development of the City as identified by the Mayor and City Council as matters for
14 its attention, by ordinance or joint resolution. Whenever the Commission has failed
15 to submit a recommendation within sixty days of a request for such recommenda-
16 tion, the Commission will ^{return} ~~be deemed to have approved~~ the matter as proposed
17 unless a longer period is provided for by resolution or ordinance.

18 Section 7. Duties. In conjunction with the development of a schedule for
19 City consideration of planning and policy issues, the Mayor and Council will by
20 resolution adopt an annual schedule which will assign certain policy and planning
21 issues for Commission consideration. In addition, the Commission shall:

- 22 (a) When requested by resolution, solicit information and comment from the
23 public about planning goals and policies or plans for the City, and report to
24 the Mayor, Council or administrative agency its recommendations and a
25 summary and analysis of the comments received from the public; and
26 (b) Assist citizens to obtain information and documents regarding planning goals
27 and policies and plans for development of the City.

28 Section 8. Unexcused Absences. A Commission member may be removed
from office for cause if absent from three consecutive Commission meetings ^{or six}
^{regularly scheduled meetings in a year.}

Section 9. Section 11.1 of the Comprehensive Zoning Ordinance (Ordinance
86300) is amended as follows:

ORDINANCE 100153

AN ORDINANCE reorganizing the City Planning Commission providing for its membership; redefining its functions; authorizing its staff; amending Sections 11.1, 16.3, 16.5, 17.22, 24.43, 24.46, 24.72, 24.83, 27.2, 27.41, 27.6, 27.7 and 28.2 of Ordinance 86300 (the Zoning Ordinance); Sections 2 and 7 of Ordinance 98852, and Sections 13.08, 18, 19, and 22 of Ordinance 103636 (the Subdivision Ordinance); transferring support positions to the Office of the Planning Commission; and repealing Sections 27.4 and 24.43 of Ordinance 86300; 3.04, 20 and 21 of Ordinance 103636; and Ordinances 79443 and 136302.

WHEREAS, Article XIV, Section 1 of the Charter of the City of Seattle provides for a City Planning Commission; and

WHEREAS, Article XIV, Section 3 of the Charter of the City of Seattle provides that:

"It shall be the duty of such Commission to make recommendation to the Legislative and other City departments on the City's broad planning goals and policies, and on such plans for the development of the City as its present and future needs may require. The Commission shall also advise and make recommendations to the Legislative and other City departments in connection with matters relating to the City's physical development and redevelopment as may be directed by ordinance." Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Purpose. There shall be a City Planning Commission (referred to herein as the "Commission") to provide advice and make recommendation on broad planning goals and policies and on whichever plans for the development of the City on which the City Council and Mayor may request the Commission's advice by ordinance or joint resolution. The Commission shall provide opportunities for public participation in City planning by:

- Providing through its own broadly based membership an informed opinion to complement the work of the City's elected officials and administrative departments;
- When pertinent, soliciting public comment on planning issues of City-wide importance or of a substantial community concern, and evaluating comments received; and
- Securing the assistance of experts and others with knowledge or ideas to contribute to City planning.

Its functions shall be advisory only.

Section 2. Membership. The Commission shall consist of fifteen members. The membership as a whole shall reflect a broad range of opinion, experience, and expertise with the objective of providing sound advice representative of the citizenry. To achieve that purpose, it shall include residents from different neighborhoods within the City, at least one engineer or architect and an urban planner, and among others, members of ethnic minorities and citizens active in neighborhood or community affairs.

Section 3. Appointment Term. The Mayor shall appoint members of the Commission subject to confirmation by the City Council. The term of office shall be for three years, and the terms of one-third of the members shall expire each year. A Commission member whose term has expired shall continue to hold office until a successor has qualified. No member shall serve more than two consecutive terms. Any vacancy shall be filled for an unexpired term in the same manner as for an original appointment. All Commission members shall be qualified electors of the City. Present members of the Planning Commission are hereby appointed members of the Planning Commission, to serve for the remainder of the terms for which they were appointed.

Section 4. Ancillary Powers. The Commission shall have the power to:

- Select one member as the presiding officer of the Commission for a term of one year. No person shall serve as presiding officer for more than two years;
- Organize itself, establish committees or subcommittees, and delegate duties for the performance of its work;
- Adopt rules of procedure in accordance with the Administrative Code (Ordinance 102228) and Section 26.3 of the Zoning Ordinance (Ordinance 86300) to accomplish its functions;
- Obtain administrative support and staff to assist the Commission in the performance of its functions, maintenance of its records, conduct of official correspondence, arrangement for meetings, preparation of estimates of expenditures, and administration of any budget of the Commission; and
- Authorize payment of expenses incurred in the course of its activities, including reimbursement of expenditures by its members.

Meetings of the Commission, the minutes of its proceedings, and its findings and recommendations shall be open to the public.

Section 5. Temporary Participants. The Mayor, Council, or Commission may assign one or more persons to sit with and participate in the proceedings of any committee of the Commission while considering a specific matter as deemed appropriate to provide expertise or a viewpoint. No such person shall be considered to be a member of the Commission or have any authority to vote, and the person's participation shall cease upon completion of the assignment.

A temporary participant shall not engage in conduct prohibited by the City's Code of Ethics (Ordinance 103882) in Section 7, but need not file the written state-

ment contemplated by Section 8.

Section 6. Focus of Activities. It is the intention of the City's legislative authority that the Commission direct its activities toward providing recommendations on those broad planning goals and policies and plans for the physical development of the City as identified by the Mayor and City Council as matters for its attention, by ordinance or joint resolution. Whenever the Commission has failed to submit a recommendation within sixty days of a request for such recommendation, the Commission will return the matter as proposed unless a longer period is provided for by resolution or ordinance.

Section 7. Duties. In conjunction with the development of a schedule for City consideration of planning and policy issues, the Mayor and Council will by resolution adopt an annual schedule which will assign certain policy and planning issues for Commission consideration. In addition, the Commission shall:

- When requested by resolution, solicit information and comment from the public about planning goals and policies or plans for the City, and report to the Mayor, Council or administrative agency its recommendations and a summary and analysis of the comments received from the public; and
- Assist citizens to obtain information and documents regarding planning goals and policies and plans for development of the City.

Section 8. Unexcused Absences. A Commission member may be removed from office for cause if absent from three consecutive Commission meetings or six regularly scheduled meetings in a year.

Section 9. Section 11.1 of the Comprehensive Zoning Ordinance (Ordinance 86300) is amended as follows:

Section 11.1 PRINCIPAL USES PERMITTED OUTRIGHT.

11.1.1 The following uses:

- RD 7200 Principal Uses permitted outright as specified and regulated in Article 10, unless modified in this Article.
- Three-family dwellings (triplexes) subject to the following conditions:

The minimum lot area shall be six thousand five hundred (6,500) square feet, and Section 22.31 shall not apply.

- Townhouse structures, subject to the following conditions:
 - A townhouse structure shall contain at least two (2) and not more than ten (10) townhouse dwellings.

- The minimum lot area shall be at least sixteen hundred (1,600) square feet per townhouse dwelling and Section 22.31 shall not apply.

- Each townhouse dwelling shall have a rear and front yard totalling forty-five (45) feet, provided that the average of such front and rear yards for one townhouse structure shall be no less than twenty (20) feet and twenty-five (25) feet respectively and the minimum front or rear yard of any townhouse dwelling shall not be less than ten (10) feet. If townhouse dwellings make up an entire block front, the front yard may be reduced to five (5) feet, provided, however, that the townhouse dwelling abutting a less intensive zone or development shall provide front and rear yards as otherwise required in the zone.

- The minimum side yard for an end townhouse dwelling of a townhouse structure shall be five (5) feet, except as modified in Section 22.4.

- Townhouse dwellings shall not occupy more than fifty-five (55) percent of the lot and Section 22.5 shall not apply.

- No townhouse dwelling shall exceed a height of thirty-five (35) feet and Section 22.2 shall not apply.

- At least ten (10) feet of open space shall be provided between townhouse structures except when the overlap is ten (10) feet or less and then the open space may be reduced to five (5) feet.

- A minimum of fifteen (15) percent of the lot must be private usable open space.

- In townhouse dwelling developments consisting of five (5) or more townhouse dwellings, the required lot area may be reduced up to fifteen (15) percent by providing an equivalent amount of continuous open space not including the required parking area.

- Required parking with connecting permanent pedestrian access shall be located within two hundred (200) feet of the

townhouse dwelling that it serves.

- (11) Each proposal for townhouse dwellings shall be reviewed in its preliminary form and approved in writing as to design prior to issuance of a building or use permit by the Director. ~~((of Planning after receiving advice and recommendations from the Commission))~~ Any applicant feeling aggrieved by a decision of the Director ~~((of Planning))~~ may appeal such decision within fourteen (14) days to the Council, citing the reasons therefor. The Council shall consider such appeal with or without a public hearing, and render a decision within sixty (60) days of the filing of such appeal. The proposal will be judged as to design on the following criteria:
- (a) Efficient and harmonious grouping of structures and space encouraging individuality of separate townhouse dwellings within a unifying design concept.
 - (b) Efficient parking for occupants and guests with adequate space for maneuvering.
 - (c) Provision for short-term parking of service and delivery vehicles.
 - (d) Provision for common open space.
 - (e) Space for children's play space with allowance for visual supervision.
 - (f) Access points from all townhouse dwellings to common space separated from moving vehicles.
 - (g) Separation of pedestrians, common open spaces, and children's play spaces from moving vehicles.
 - (h) Clear definition between the private domain of the townhouse dwelling.
 - (i) Screening of private spaces, as appropriate; and the Director of Planning may authorize fences exceeding the height limits established in Section 22.42(c) where necessary to achieve privacy.
 - (j) Adequate light and air.
 - (k) Provision for emergency access of escape, fire, ambulance and service.
 - (l) Enclosed garbage storage and collection area.
 - (m) Provision of space for control and maintenance of public utilities.
 - (n) Preservation of natural vegetation and topography to the greatest extent possible.
 - (o) Undergrounding of utilities.
 - (p) Due consideration for the impact of the townhouse dwelling proposal on the vicinity or zone in which the property is located.

Section 10. Section 16.3 of the Comprehensive Zoning Ordinance (Ordinance No. 86300, as amended) is further amended as follows:

Section 16.3 PRINCIPAL CONDITIONAL USES

16.31 The following principal conditional uses when authorized by the Council in accordance with Article 28:

Micro-wave or line-of-sight transmission station.

16.32 The following uses permitted when authorized by the Hearing Examiner or Board in accordance with Article 26:

- (a) Outdoor ice-skating rink.
- (b) Apartment hotel, apartment house, or home for the retired on other than street level floor space, following review and report by ~~((Board the Commission and))~~ the Engineering Department concerning impact on adjacent streets and the Central Business District Comprehensive Plan.
- (c) Hellstop, subject to the provisions of Sections 15.32(e) and 19.24.
- (d) Automobile service station under the conditions provided in Section 14.32(b).
- (e) Fast food restaurant, subject to the following conditions:
 - (1) A view-obscuring fence or wall not less than five nor more than six feet in height shall be established and maintained between a fast food restaurant and any abutting R-zoned lot and any R-zoned lot facing across an alley except for alley access openings.
 - (2) Access to an abutting alley shall be limited to a maximum of two driveways, each not to exceed twenty-four feet in width.

(3) At a minimum, exterior litter containers shall be provided at a ratio of one for every five off-street parking stalls.

(4) Such uses shall be compatible with the character of existing structures in areas where a distinct and definite pattern or style has been established.

Section 11. Section 16.3 of the Comprehensive Zoning Ordinance (Ordinance No. 86300, as amended) is further amended as follows:

Section 16.3 ACCESSORY CONDITIONAL USES.

16.31 Accessory uses customarily incidental to the principal conditional uses specified in Section 16.3 are permitted when authorized by the Council in accordance with Article 28.

16.32 The following uses permitted when authorized by the Board in accordance with Article 26:

- (a) Accessory uses customarily incidental to the principal conditional uses specified in Section 16.32 except as modified in this Article.
- (b) Any principal use permitted in Sections 19.22 and 19.23 but only when necessary as an accessory use to a principal use permitted in this Article, and only when located in other than street level floor space; or permitted when occupying street level floor space providing that such use shall be separated from the street by a space occupied or intended to be occupied by uses permitted in Section 16.1, and also separated by a view-obscuring wall located across the rear of such permitted uses as specified in Section 16.21.
- (c) Accessory off-street parking spaces within a principal building when such use is over ten (10) percent of the building gross floor area, and when located in other than street level floor space and following review and report and recommendation by ~~((Board))~~ the ~~((Commission and))~~ Engineering Department concerning impact on adjacent streets and Central Business District Comprehensive Plan.

Section 12. Section 17.22 of the Comprehensive Zoning Ordinance (Ordinance No. 86300, as amended) is further amended as follows:

Section 17.22 RESIDENTIAL USES PERMITTED OUTRIGHT.

Apartment houses, subject to the following conditions:

- (1) At least four (4) months prior to the issuance of a building permit, the applicant shall attend a conference with representatives of the ~~((Building))~~ Department of Construction and Land Use and Community Development Department ~~((to))~~ to consider Building Code and Zoning Ordinance requirements and the impact of the proposed apartment house upon the zone and vicinity, particularly:
 - (a) The extent to which it furthers the goals and objectives of the Comprehensive Plan of Seattle for the Central Business District (CBD).
 - (b) Its relationship to various existing and future means of transportation feeding to and from the CBD.
 - (c) Whether pedestrian movement to and from the proposed building and along adjacent streets can be improved.
 - (d) Whether adequate provision has been made for public amenities such as ground level open space, and for private amenities to residents.
 - (e) Whether adequate provision has been made for services to the public and to residents.
 - (f) How the proposed apartment house will relate to other prospective or imminent public and private improvements in the zone and vicinity.
 - (g) Whether adequate provision has been made for light and air and whether the protection and enhancement of views have been considered.
 - (h) Arcades or setbacks from the street property line, which may be required along certain amenity streets when designated in the Comprehensive Plan or by Council resolution.
- (2) Final plans shall be submitted to the Community Development Director by the ~~((Superintendent))~~ Director for final design review and advisory report to the applicant at least ten (10) days before a building permit is issued.

~~((3)) An advisory report on the proposed building shall be made to the Commission by the Director after but no more than ten (10) days following issuance of the building permit.))~~

Section 13. Section 24.4 of Ordinance 86300, as amended (the Zoning Ordinance), is further amended as follows:

Section 24.44. PLANNED UNIT DEVELOPMENT - REVIEW AND AUTHORIZATION. The Director shall review the application for conformance with the provisions and intent of this ordinance and shall prepare a written report which shall include, but not be limited to:

- (1) A descriptive summary of the project which details the manner in which the uses and bulk proposed differ from that otherwise permitted in the zone; and
- (2) An analysis of the proposed development with relation to City goals and policies and the Comprehensive Plan of Seattle; and
- (3) An analysis of the impact of the proposed development on environmental and community quality, which shall include but not be limited to the impact of the proposed development on surrounding residential, commercial, and social life, and on existing or proposed public facilities and improvements such as utilities, parks, schools and transportation;
- (4) The applicability of other laws to the subject application.

The Director's Report shall include comments and recommendations from departments and agencies of government having an interest in or affected by the application, and shall recommend approval or denial of, or modifications to, the applications as well as any conditions to be attached to any authorization of the proposed development, and any alternative forms of development or treatment that in the opinion of the Director are necessary or appropriate within the provisions and intent of this title. The Director's Report shall be completed within sixty (60) days of the date of filing the application, unless consideration by other agencies of government is required by law, in which case the report shall be completed within thirty (30) days following final action by such agencies. The application and report ~~((shall be transmitted to the Commission and))~~ shall be made available for public inspection ~~((ten (10) thirty (30) days prior to the ((first) City Council's public hearing on the application.))~~

Section 14. Section 24.46 of Ordinance 86300, as amended (the Zoning Ordinance), is further amended as follows:

Section 24.46. COUNCIL HEARING AND ACTION. ~~((After receipt by the Council of the findings, conclusion and recommendation of the Commission or applications for planned unit developments))~~ ~~((4))~~ The Planning and Urban Development Committee or other committee of the Council shall hold a public hearing on an application for a planned unit development and cause notice of such hearing to be given in accordance with the provisions of Section 27.3 pertaining to notice of hearings on proposed amendments of the Official Zoning Map. The Council shall take final action to approve, conditionally approve, or disapprove the application within sixty (60) days after receipt of the Director's ~~((Commission's))~~ recommendations. Approval or conditional approval of an application for a planned unit development shall be by ordinance which ordinance shall also amend the Official Zoning Map to indicate:

- (1) the boundaries of such approved planned unit development,
- (2) the ordinance approving the preliminary plans for such planned unit developments, and
- (3) the number of the Comptroller's File containing the approved preliminary plans.

When the Council's action is contrary to the Director's ~~((Commission's))~~ recommendations, it shall enter findings and conclusions from the record which support its action.

Section 15. Section 24.7 of the Comprehensive Zoning Ordinance (Ordinance No. 86300), as added by Ordinance 91035, is amended as follows:

Section 24.7. SPECIAL PROVISIONS FOR CERTAIN LOTS REDUCED BELOW MINIMUM LOT AREA REQUIREMENT

- (a) The Council may authorize reduction in lot area below the minimum required by this Ordinance when such reduction is the result of the dedication or sale of a portion of the lot to the City or to the State for street or highway purposes, so that said lot to the City or to the State for street or highway purposes, so that said lot may be utilized as a lot meeting minimum lot area requirements, following report and recommendation by the ~~((Commission))~~ Director. Before making its recommendation to the Council, the ~~((Commission))~~ Director shall consider the matter at public hearings. Notice of this hearing shall be given by mail not less than ten (10) days prior to the date of such hearing to the

owners of all property within three hundred (300) feet thereof, using for this purpose the names of property owners as shown upon the records of the County Treasurer. Failure to send notices by mail to any property owner, where the address of such owner is not included in the County records, shall not invalidate any proceedings in connection therewith. In considering requests for such authorization, the ~~((Commission))~~ Director and Council shall consider the nature and condition of adjacent uses and structures and no authorization shall be made unless it is found that:

- (1) The authorization will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.
- (2) The lot area remaining after reduction is sufficient to provide a reasonable building site, consistent with the purpose of this Ordinance.

Such authorization, if made, shall be permanent and will run with the land to which it applies.

Section 16. Section 24.83 of Ordinance 86300, as amended, is further amended as follows:

Section 24.83. DEVELOPMENT REGULATIONS.

(a) The Council may include development regulations in the ordinance which establishes a special review district. If development regulations are not included, the special review board may consider and, after at least one public hearing, recommend development regulations for the special review district to the ~~((Commission))~~ Community Development Director, which shall make further recommendations to the Council. If the special review board fails to recommend development regulations within ninety (90) days after having been appointed and organized, the Community Development Director shall prepare proposed development regulations and recommend such controls to the ~~((Commission))~~ Council, except where the ordinance establishing the special review district includes such development regulations. The Council shall consider proposed development regulations in the same manner as provided in Section 27.41 for Zoning Ordinance text amendments. Development regulations shall be adopted by ordinance, and may thereafter be amended in the same manner as provided in Article 27 for Zoning Ordinance text amendments.

(b) The development regulations shall identify the unique values of the district, shall include a statement of purpose and intent, and shall be consistent with the purposes of the special review district. The regulations may identify uses, structures and design characteristics which either have a positive or negative effect upon said values and may specifically modify bulk and use regulations and other provisions of the Zoning Ordinance in order to allow and encourage or to limit or exclude such structures, designs, and uses. Unless specifically modified by the development regulations, all provisions of the Zoning Ordinance shall apply in the special review district. If uses, structures or designs are limited, the development regulations must specify the standards by which said uses, structures or designs will be evaluated. If provisions of the Zoning Ordinance are modified, the development regulations shall specify the conditions upon which such modifications are allowed.

(c) Development regulations shall be consistent with the purposes stated in establishing the special review district. Development regulations shall not be construed to limit the use of any materials, forms or designs otherwise permitted by law unless such limitations are expressly stated.

Section 17. Section 27.2 of Ordinance 86300, as amended (the Zoning Ordinance), is further amended as follows:

Section 27.2. REPORT OF THE DIRECTOR. The Council shall refer each petition for an amendment to the official text of the Zoning Ordinance ~~to the~~ Community Development Director for recommendation and shall refer each petition for an amendment to the ~~((official))~~ official Zoning Map to the Director for a recommendation. The appropriate Director shall prepare a written report which shall include the recommendations or comments of departments of the City and of other governmental agencies having an interest in the application. The form of the report shall be prescribed by the Rules. The report shall be made available ~~((to the Commission and))~~ to the public on request not less than ~~((seven (7) fourteen (14) days prior to the scheduled hearing.))~~

Section 18. Section 27.41 of Ordinance 86300, as amended (the Zoning Ordinance), is further amended as follows:

Section 27.41. COUNCIL CONSIDERATION OF ~~((COMMISSION))~~ RECOMMENDATIONS. After receipt by the Council of the findings, conclusions and recommendations of the ~~((Commission))~~ Community Development Director on proposed amendments to the text of the Zoning Ordinance, the Planning and Urban Development Committee or other committee of the Council shall hold a public hearing to consider such findings, conclusions and recommendations. Notice of such Council hearing shall be given ~~((either at the Commission's hearing or))~~ by the

Community Development Director in the manner prescribed in Section 27.3 of this ordinance. ~~(Except that notice need be given only fourteen days or more prior to the hearing and shall be mailed also to persons who testify or submit information at the Commission hearing.)~~

Section 19. Section 27.6 of Ordinance 86300, as amended (the Zoning Ordinance), is further amended as follows:

Section 27.6 FINAL ACTION BY COUNCIL. The Council shall take final action on a text or map amendment by ordinance when required, and shall include findings of fact from the record and conclusions therefrom whenever its action is contrary to the recommendations of the Hearing Examiner. ~~(or Commission.)~~ Said findings and conclusions shall set forth and demonstrate the manner in which the action carries out or tends to implement the goals and objectives of the Comprehensive Plan of Seattle, the Zoning Ordinance, and other official policies and objectives of the City.

Section 20. Section 27.7 of Ordinance 86300, as amended (the Zoning Ordinance), is further amended as follows:

Section 27.7 PETITIONING LIMITED. No petition for a text amendment or amendment to the Official Zoning Map shall be again considered by the ~~(Commission)~~ Hearing Examiner or Council where substantially the same amendment has been denied after public hearing and an opportunity to petition the Council for further consideration within the twelve-month period immediately preceding the filing of such petition.

Section 21. Section 28.2 of Ordinance 86300, as amended (the Zoning Ordinance), is further amended as follows:

Section 28.2 SPECIAL EXCEPTIONS. In specific cases and subject to the considerations stipulated in Section 28.1, the Hearing Examiner, or the Board upon appeal, may authorize the following special exceptions:

(a) Exceptions to height limits:

- (1) Industrial Structures: An industrial structure which by reason of its intended use, requires exceptional height; provided, however, that all such structures or portions of structures above the otherwise applicable height limit shall not occupy more than twenty-five percent (25%) of the lot area and shall be distant forty (40) feet or more from every lot line not a street lot line, and, when within airport areas, shall not be inconsistent with the intent and purpose of Section 22.21.
- (2) Vertical Extension of Existing Building: Vertical extension of a building to the height shown by the original plans, provided such building was actually designed and constructed to carry the additional stories, and provided further that said building existed upon the effective date of this Ordinance.
- (3) Base Structures: Base structures in the RMV 200 Zone in excess of four (4) feet but not to exceed twenty (20) feet above lot grade where topography and/or the nature of surrounding improvements justify a greater height. ~~(Subject to review and report by the Commission.)~~

(b) Temporary uses:

- (1) A temporary use of premises in any zone not involving the erection of any permanent structure may be authorized by the Hearing Examiner or Board by a revocable permit for a period of not more than six (6) months, except that temporary uses to be of less than three (3) weeks duration may be authorized by the ~~(Superintendent)~~ Director.
- (2) A temporary use of premises in any zone not involving the erection of any permanent structure for the express purpose of sheltering the construction of boatbuilding projects by non-commercial home hobbyists may be authorized by the Hearing Examiner or Board by a revocable permit for a period of not more than one (1) year except that annual reviews by the ~~(Superintendent)~~ Director can extend the permit annually for a period not to exceed four (4) years. Such structures, though temporary, shall be sturdy enough to withstand inclement weather conditions and shall not detract from the general appearance of the neighborhood. Conditions for allowing such a permit, and the annual review of same, will be set at the discretion of the Hearing Examiner.

(c) Stone quarry, sand, gravel or clay pits: The use of premises in any zone for the excavation of stone, sand, gravel, clay or other natural deposits may be authorized by the Hearing Examiner for a period of one (1) year subject to the following provisions: Plans for such excavations shall consist of two (2) copies of a topographic map, with such cross-sections as are necessary to show adequately the topography of the property in question and its relation to streets, alleys, and surrounding property, together with two (2) copies of a

similar map showing the extent of the proposed excavation and the contours of the ground after the removal of the material. A copy of each map shall be submitted to the City Director of Engineering or the Director of Transportation who shall report his findings to the Hearing Examiner. Before authorizing such use, the Hearing Examiner shall request a report from the ~~(Commission)~~ Director in order to determine whether the proposed excavation will interfere with logical future development of the tract for building or other purposes, and whether it will depreciate the value of nearby property. Authorization of such shall be subject to the posting by the applicant with the City of a performance bond of not less than five thousand (\$5000) dollars guaranteeing conformance with finished grades indicated by the approved plan.

(d) Platted lots separated by alley: Platted lots within the same block and same zone, but separated by a public alley, may be authorized by the Hearing Examiner or Board as a single building site for purposes of calculating the number of dwelling units permitted in a structure to be erected on one side of the alley, subject to the following requirements:

- (1) Each portion of the property shall abut a minimum one hundred (100) feet upon the alley.
- (2) The two portions of the property shall be directly opposite for a distance representing at least fifty (50) percent of the width of the portion of the property not to be occupied by the proposed building.
- (3) The portion of the property not occupied by the building shall not be sold, segregated or used for building purposes so long as the building remains on the portion of the property on the opposite side of the alley.

(e) Off-street parking requirements for designated "Landmarks" or "Landmark Districts":

Upon receipt of a written report from the Director pertaining thereto, the Hearing Examiner may reduce or waive the minimum accessory off-street parking requirements of Article 23 with respect to a "Landmark" or "Landmark District" designated as such pursuant to the Landmarks Preservation Ordinance (106348); provided, that in making any such reduction or waiver, the Hearing Examiner shall be guided by parking needs and policies in the surrounding area as set forth in such written report.

(f) Uses permitted within buildings designated as "Landmarks":

The Hearing Examiner may authorize a use not otherwise permitted in the zone within a building designated as a "Landmark", pursuant to the Landmarks Preservation Ordinance (106348), after the Director's written report and recommendation on the proposal, and subject to the following requirements:

- (1) Such use shall be compatible with the existing design and/or construction of the building without significant alteration; and
- (2) Such use shall be allowed only when it is demonstrated that uses permitted by the zone are impractical because of building design and/or that no such permitted use can provide adequate financial support necessary to sustain the "Landmark" in a reasonably good physical condition; and

(3) Such use shall not be detrimental to other properties in the zone or vicinity or to the public interest.

(g) Artist's studio/dwellings: In any "M" or "I" zone, notwithstanding the prohibition of new dwelling units other than for a watchman or caretaker, a combination working studio and living quarters for an artist may be authorized by revocable permit for a period of not more than two years, renewable by the ~~(Superintendent)~~ Director upon the showing to his satisfaction that the occupant continues to be a bonafide working artist, and subject to the following conditions:

- (1) The nature of the artist's work shall be such that there is a genuine need for the space involved.
- (2) The nature of the artist's work shall be similar to the types of uses permitted in the zone.

Section 22. Section 2 of Ordinance 98852, as amended, is further amended as follows:

Section 2. Responsible Agency. ~~(The City Planning Commission hereafter called "Commission")~~ is hereby designated as the official body to make recommendations to the Director of the Department of Community Development ~~(hereafter called "Director")~~ on matters concerning preservation of the Historic District and of the buildings and structures within its bounds, except as to minor work as provided in Section 6.4. The Mayor shall, subject to Council confirmation, appoint an Historic Preservation Board (hereafter called "Board"), which is hereby established, consisting of a representative of the local historical society, an owner of property

in the Historic District, two architects, one person who operates a retail business on leased premises within the Historic District, and two city residents at large, which Board shall review and act upon all architectural and historic preservation matters within the Historic District with the assistance of the Department of Community Development and make recommendations ~~((to the Commission or))~~ to the Director, ~~((as provided in Section 6A.))~~

Members of the Board shall serve without compensation for a term of three years from June 1 of the year in which appointed. The five existing members of the Board on the effective date of this amending ordinance shall be reappointed and reconfirmed as follows: three existing members for terms of one year from June 1, 1974; one existing member for a term of one year from June 1, 1974; and one existing member for a term of three years from June 1, 1974. The five existing members of the Board shall by majority vote determine which members shall serve which terms, and report such determination to the Mayor and City Council prior to their reappointment and confirmation.

Section 23. Section 27 of Ordinance 98852, as amended, is further amended as follows:

Section 7. MEETINGS, PROCEDURES, RECORDS. The Board ~~((or Commission))~~ shall meet for purposes of historic preservation at such times as it may determine, or upon call of the Chairman. In addition, the Board ~~((or Commission))~~ may establish such standards and procedures as it may deem necessary to further the purposes of this ordinance. All plans, elevations, specifications, and sketches or other information necessary for the review by the Board ~~((or Commission))~~ of architectural details, colors, building materials, signs, or other features subject to public view shall be made available to the Board ~~((or Commission))~~ by the applicant or appropriate departments of The City of Seattle, along with a copy of the application for building, modification, or demolition permit.

The Board ~~((or Commission))~~ shall also consider and make recommendations on all modifications or additions to public areas, including street furniture, lighting fixtures and paving materials.

Section 24. Section 13.08 of the Subdivision Ordinance (Ordinance No. 105636) is amended as follows:

Section 13.08 VARIANCES AND EXCEPTIONS. Variations and exceptions from the design standards and improvement requirements set forth in Sections 13.01 through 13.07 may be authorized by the Council, upon recommendation of the Administrator ~~((and Commission))~~, in those instances where it is deemed that hardship, topography, or other factual deterrent conditions prevail, and in such manner as it considers necessary to maintain the intent and purpose of such regulations and requirements. Approval by the Council of a preliminary plat on which such variations and exceptions are clearly indicated shall constitute authorization of such variations and exceptions.

Section 25. Section 18 of the Subdivision Ordinance (Ordinance No. 105636) is amended as follows:

Section 18. PROCEDURE -- ADEQUACY AND DISTRIBUTION OF PRELIMINARY PLATS AND PLANS. If the Administrator determines that the subdivider has met all the application requirements for the preliminary plat and that the preliminary plat contains sufficient elements and data to furnish a basis for its approval or disapproval, he shall affix a file number and date of receipt to the application and promptly forward three (3) copies of the plat and the subdivider's preliminary plans for street and other improvements to the ~~((City))~~ Director of Engineering. The Administrator shall also forward a copy of the preliminary plat to each of the following:

- (1) Director of Public Health, as to the adequacy of the proposed means of sewage disposal and water supply
- (2) Superintendent of Lighting
- (3) ~~((Superintendent of Buildings))~~ Director of Community Development
- (4) Superintendent of Parks and Recreation
- (5) The Board of Public Works, Street Naming Committee
- (6) Superintendent of Water
- (7) Chief, Fire Department
- (8) Municipality of Metropolitan Seattle.

who shall review the preliminary plat and, within thirty (30) days ~~((and prior to the Commission hearing))~~, furnish the Administrator with a report as to the effect of the proposed subdivision upon the public health, safety and general welfare, and containing their recommendations for approval or disapproval of said preliminary plat. The report of the ~~((City))~~ Director of Engineering shall also include a recommendation as to the extent and type of improvements to be provided in dedicated areas and a preliminary estimate of the cost of such improvements.

Section 26. Section 19 of the Subdivision Ordinance (Ordinance No. 105636) is amended as follows:

Section 19. PROCEDURE -- ~~((PLANNING COMMISSION))~~ HEARING BY ADMINISTRATOR, NOTICE. Upon receipt of an application, the Administrator shall within forty-five (45) days ~~((set a date to))~~ hold a public hearing ~~((before the Commission))~~, provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, such hearing shall not be held until the final environmental impact statement has been issued.

The Administrator shall give notice of time, place and purpose of public hearing as follows:

1. At least one notice in the City official newspaper not less than ten (10) days prior to the hearing.
2. By the posting of placards giving notice of the hearing at conspicuous places on the boundaries of the proposed subdivision.
3. By notifying the applicant and each of the recipients of the preliminary plat as provided in Section 18 of this ordinance.

All hearing notices shall include a legal description of the location of the proposed subdivision and either a vicinity location sketch or a location description in non-legal language.

Section 27. Section 22 of the Subdivision Ordinance (Ordinance No. 105636) is amended as follows:

Section 22. COUNCIL ACTION. Upon receipt of the Administrator's ~~((Planning Commission))~~ recommendations, the Council shall, at its next public meeting, set the date for the public meeting at which it may adopt or reject the recommendations ~~((of the Commission))~~. The Council shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall consider all relevant facts to determine whether the public interest

will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for schools and schoolgrounds and that the public use and interest will be served by the platting of such subdivision, then it shall be approved. If it finds that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the Council may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The Council shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.

The Council shall consider the physical characteristics of a proposed subdivision site and may disapprove a proposed plat because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved by the Council covering any land situated in a flood control zone as provided in Chapter 86.16 RCW without the prior written approval of the State Department of Ecology.

If, after considering the matter at a public meeting, the Council determines that a change is necessary in the Commission's recommendation, it shall conduct a public hearing and thereupon adopt its own recommendations and approve or disapprove the preliminary plat. Such public hearing may be held before a committee constituting a majority of the Council, which shall report its recommendations on the matter to the Council for action by resolution.

The Council shall notify the applicant, the Commission, and all parties of record of its action on the preliminary plat and shall forward approved copies, together with any conditions imposed by the Council, to the ~~((City))~~ Director of Engineering and to the Administrator. Preliminary plats shall be approved, disapproved or returned to the applicant for modification or correction within ninety (90) days from date of filing thereof unless the applicant consents to an extension of such time period; Provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety (90) day period shall not include the time spent preparing and circulating the environmental impact statement by the Administrator.

Section 28. Repeals. Sections 27.4 and 24.45 of Ordinance 86360, as amended (the Zoning Ordinance), with the section titles of "Commission Hearing on Text Amendments" and "Planned Unit Development - Commission Hearing and Recommendation," respectively, are each hereby repealed.

Ordinance 99443, entitled:

"AN ORDINANCE creating a Joint City-County Subcommittee on Shoreland and Tidelands Planning, and providing for the appointment of members thereof," and

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Ordinance 106302, entitled:

"AN ORDINANCE relating to the City Planning Commission; providing for a membership of fifteen citizens, prescribing qualifications and terms of office, defining the duties of said Commission in addition to those set forth in the City Charter, and repealing Ordinance 104177.

are each hereby repealed.

Sections 3.04, 20 and 21 of Ordinance No. 105636, as amended (the Subdivision Ordinance), with the section titles of "Commission," "Hearing," and "Commission — Report to Council," respectively, are each hereby repealed.

This repeal shall not affect any existing right acquired under an ordinance or section repealed prior to its effective date.

Any proceeding pending before the City Planning Commission as established by Ordinance 106302 may be processed by the Commission, established herein as a continuous proceeding without prejudice by this repeal of Ordinance 106302.

Section 29. Ratification. Transfer of positions and custody of records and any other act pursuant to the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 30. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 23rd day of June, 1980, and signed by me in open session in authentication of its passage this 23rd day of June, 1980.

PAUL KRAABEL
President of the City Council.

Approved by me this 2nd day of July, 1980.

CHARLES ROYER
Mayor.

Filed by me this 2nd day of July, 1980.

Attest: TIM HILL,
City Controller and City Clerk.

(Seal) By G. C. GEISERT,
Deputy Clerk.

Publication ordered by TIM HILL, Controller and City Clerk.

Date of Official Publication in the Daily Journal of Commerce, Seattle, July 3, 1980. (C-420)

The City of Seattle--Legislative Department

MR. PRESIDENT:

Your Committee on
to which was referred

*Urban Development and
Housing*
C.B. 101436

Date Reported
and Adopted

JUN 23 1980

Reorganizing the City Planning Commission; providing for its membership, redefining its functions, etc.

Reorganizing the City Planning Commission; providing for its membership; redefining its functions; authorizing its staff; amending Sections 11.1, 16.3, 16.5, 17.22, 24.44, 24.46, 24.72, 24.83, 27.2, 27.41, 27.6, 27.7 and 28.2 of Ordinance 86300 (the Zoning Ordinance); Sections 2 and 7 of Ordinance 98852, and Sections 13.08, 18, 19 and 22 of Ordinance 105636 (the Sub-division Ordinance); transferring support positions to the Office of the Planning Commission; and repealing Sections 27.4 and 24.5 of Ordinance 86300; 3.04, 20 and 21 of Ordinance 105636; and Ordinances 99443 and 106302.

Recommends That same PASS as amended

Chairman

Chairman

Committee

Committee

C-420

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 109155

was published on July 5, 1980

Subscribed and sworn to before me on
July 5, 1980

Notary Public for the State of Washington,
residing in Seattle.